

PLAN OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274), (hereinafter "the Act"), the following Plan is hereby adopted by the United States District Court for the District of Maryland, subject to approval by a reviewing panel constituted in accordance with § 1863(a) of the Act, and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

I. APPLICABILITY OF PLAN

Title 28 U.S.C. § 100 provides that Maryland constitutes one judicial district comprising two divisions.

The Northern Division is comprised of Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Washington, Wicomico, and Worcester Counties and Baltimore City. Regular sessions of Court for the Northern Division shall be held at Baltimore.

The Southern Division is comprised of Calvert, Charles, Montgomery, Prince George's, and St. Mary's Counties. Regular sessions of Court for the Southern Division shall be held at Greenbelt.

Special sessions of the Court for the Northern and Southern Divisions may be held at such places as the nature of the Court's business requires. 28 U.S.C. § 141.

II. POLICY

It is the policy of this Court that all litigants entitled to trial by jury shall have the right to juries selected at random from a fair cross-section of the community in each division where the Court convenes. It is also the policy of this Court that grand juries shall be selected at random from a fair cross-section of the community in each division. All citizens resident within the district shall have the opportunity to be considered for service on grand and petit juries and shall have an obligation to serve as jurors when summoned for that purpose.

III. DISCRIMINATION PROHIBITED

No citizen shall be excluded from service as a grand or petit juror on account of race, color, religion, sex, national origin, or economic status.

IV. MANAGEMENT AND SUPERVISION OF JURY SELECTION PROCESS

The Clerk of the Court shall manage the jury selection process under the supervision and control of the Chief Judge or any judge or judges that the Chief Judge may designate. The judges who perform such duties are hereinafter referred to as the "Jury Plan Judges." In the absence of a designated Jury Plan Judge, the senior judge in active service in each division, who is available, shall act as the Jury Plan Judge.

V. METHOD AND MANNER OF RANDOM SELECTION

Voter registration lists represent a fair cross-section of the community in each division of the District of Maryland. Accordingly, names of grand and petit jurors selected to serve after the effective date of this Plan shall be selected at random from the voter registration lists of the political subdivisions making up each division. The voter registration lists shall be those used in the most recent statewide general election prior to such selection.

The Clerk shall maintain separate Master Jury Wheels for each of the divisions within the District, and shall place in each Master Jury Wheel the names of all persons randomly selected from the voter registration lists for that division. The number of names to be placed initially in each Master Jury Wheel shall be at least one-half of one percent of the total number of voters registered in each division, and each Master Jury Wheel shall contain no less than 1,000 names.

The Jury Plan Judges shall order additional names to be selected at random and placed in the Master Jury Wheels as necessary. The Master Jury Wheels and the Qualified Jury Wheels shall be emptied and refilled at least once in each four calendar year period. Each time a refilling occurs, the selection shall be at random from the voter registration lists from the most recent statewide general election, prior to such selection, from all political subdivisions in each division.

The Master Jury Wheels consist of lists of names of persons who may be sent qualification questionnaires. The Qualified Jury Wheels consist of lists of names of persons who have been qualified to be called for jury service. These wheels may be maintained on electronic media.

The Clerk shall make the random selections as follows:

The Court, by separate orders, shall determine the number of names to be selected at random for each division. At the Clerk's option, and after consultation with the court, the selection of names from complete source list databases in electronic media for the master jury wheels may be accomplished by a randomized process through a properly programmed electronic data processing system. Similarly, at the option of the Clerk and after consultation with the Court, a properly programmed electronic data processing system for randomized selection may be used to select names from the master wheels for the purpose of determining qualification for jury service, and from the qualified wheels for summoning persons to serve as grand or petit jurors. Such random selections of names from the source list for inclusion in the master wheels by data computer personnel must insure that each county (treating Baltimore City as a county for this purpose) within the jury division is substantially proportionally represented in the master jury wheel in accordance with 28 U.S.C. § 1863(b)(3). The selections of names from the source list, the master wheels, and the qualified wheels must also insure that each name on the list from which random selection is being made has a substantially equal chance of being selected.

In the event that circumstances prevent or render impracticable the foregoing method of random selection from being followed, the Court may utilize an alternate method of random selection on a temporary basis. Any such alternate method shall be adopted only after the Court gives reasonable public notice and opportunity for public comments.

VI. DRAWING FROM MASTER JURY WHEELS

From time-to-time as directed by the Court, the Clerk shall draw at random from the Master Jury Wheels the names of as many persons as the Court shall direct. At the Clerk's option, and after consultation with the Court, the selection of names from the Master Jury Wheels may be accomplished by a randomized process through a properly programmed electronic data processing system. The Clerk shall prepare an alphabetical list of the names drawn, which list is hereinafter referred to as the "Prospective Juror List," and shall not be disclosed to any person except pursuant to §§ 1867- 1868 of the Act, as amended.

VII. JUROR QUALIFICATION FORMS

From time-to-time, the Clerk shall mail to all persons whose names appear on the Prospective Juror List the Juror Qualification Questionnaire as approved by the Judicial Conference of the United States. Additional forms may also be sent such persons when additional information is required to effectuate the purposes and provisions of this Plan.

VIII. FAILURE TO RETURN FORMS

Any person to whom the said Juror Qualification documents are mailed, who fails to complete and return a Juror Qualification form as instructed, may be summoned by the Clerk to appear and fill out such forms. Any such person who returns such an executed form by mail, and who is subsequently summoned for service on grand or petit jury, may be required by the Clerk to again fill out such a form. Any such person who fails to appear as directed, or who appears to have wilfully misrepresented a material fact on any such form for the purpose of securing or avoiding service as a juror, shall be ordered by the Court to appear and explain his/her failure to appear or his/her alleged misrepresentation.

IX. EXCUSE ON INDIVIDUAL REQUEST

A. Categorical Findings of Grounds For Excuse. 28 U.S.C. § 1863(b)(5)(A).

This Court hereby finds that jury service by members of the following occupational classes or groups or persons would entail undue hardship or extreme inconvenience to the members thereof, and the permanent excuse of such members will not be inconsistent with the Act, as Amended and shall be granted by the Court upon individual request:

- E-1 Persons over 70 years of age.
- E-2 Persons who have served as grand or petit jurors, for more than five days in a State Court, or in a Federal Court, within two years of the date they are summoned to serve as jurors in this Court.
- E-3 Volunteer Safety Personnel. Individuals serving a public agency in an official capacity, without compensation, as firefighters or members of a rescue squad or ambulance crew. 28 U.S.C. § 1863(b)(5)(B). "Public Agency" for this purpose means the United States, any state of the United States, the District of Columbia, or any unit of local government, department, or instrumentality of the foregoing.
- E-4 Persons who in their household are solely responsible for the care of one or more persons who cannot safely be left alone during periods of jury service by reason of either (a) being under 13 years of age or (b) mental or physical disability.
- E-5 Persons who are principals of a small business operation. That is, persons who alone, or with one other person, own and operate their own business having less than 15 employees and in whose absence for jury duty the business must close or cease to function effectively.
- E-6 Actively practicing (a) physicians, (b) dentists, (c) registered pharmacists, (d) licensed nurse practitioners, (e) registered, practical or vocational nurses, and (f) hospital operating room technicians.

B. Categorical Finding of Grounds For Temporary Excuse.

T-1 The Court hereby finds that jury service by school teachers in public, private or parochial schools while actively engaged in teaching during the school year or summer school would entail undue hardship or extreme inconvenience to the juror and that the temporary excuse will not be inconsistent with the Act.

C. Individual Excuses.

In addition to the foregoing categories of persons, a Judge may determine that a prospective juror shall be excused from jury service, either permanently or temporarily, upon a request and showing that jury service would entail undue hardship or extreme inconvenience to the juror and that the excuse will not be inconsistent with the Act.

X. EXEMPTION FROM JURY SERVICE

As required by 28 U.S.C. § 1863(b)(6) the following persons are barred from jury service on the ground that they are exempt:

X-1 Members in active service in the Armed Forces of the United States.

X-2 Members of police or fire departments of any State, the District of Columbia, any territory or possession of the United States, or any subdivision of a State, the District of Columbia, or such territory or possession.

X-3 Public officers in the executive, legislative, or judicial branches of the government of the United States, or of any State, the District of Columbia, any territory or possession of a State, the District of Columbia, or such territory or possession who are actively engaged in the performance of official duties.

"Public Officer" shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

XI. DETERMINATION OF QUALIFICATIONS, EXCUSES AND EXEMPTIONS

The Jury Judge, a Jury Plan Judge, or the Chambers Judge for each Division, may determine, on the basis of information provided on the Juror Qualification Questionnaire and/or

other competent evidence, whether a person is unqualified for, exempt from, or permanently excused from jury service. The Clerk shall enter such determination in the space provided on the Juror Qualification Questionnaire form or on the juror record in the Master Jury Wheel database. If a person did not appear in response to a summons, such fact shall be noted among the records of this Court.

In making such determination the Judge shall deem any person qualified to serve on grand and petit juries in this District unless he /she--

- D-1 is not a citizen of the United States 18 years old who has resided for a period of one year within the State of Maryland;
- D-2 is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the Juror Qualification Questionnaire form;
- D-3 is unable to speak the English language;
- D-4 is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;
- D-5 has a charge pending against him/her for the commission of, or has been convicted of, a crime punishable by imprisonment for more than one year, in a State or Federal Court of record, and his/her civil rights have not been restored;
- D-6 is unable to render impartial jury service or that his/her service as a juror would be likely to disrupt the proceedings.

XII. QUALIFIED JURY WHEEL

The Clerk shall maintain separate Qualified Jury Wheels for each division and shall place in such wheels the names of all persons drawn from the Master Jury Wheel who are not disqualified, exempt or excused. The Jury Plan Judges shall insure that at all times at least 750 names are contained in the Qualified Jury Wheel for each division. Names drawn from the Qualified Jury Wheels shall not be made public until the jurors have been summoned and have appeared in Court. Further, the Jury Plan Judges may from time to time order the names to be kept confidential when the interests of justice so require. The Jury Plan Judges may show a Grand Jury list to the United States Attorney after the drawing from the Qualified Jury Wheels and give the latter the opportunity to present information to the Court, pursuant to § 1866 of the Act.

The Clerk shall produce an alphabetical and a randomized list of the names of qualified jurors drawn.

XIII. GRAND JURIES

As used herein, the term Regular Grand Jury means a grand jury selected for a specified length of service to hear a variety of matters. Regular grand juries are generally selected for a three month period but, on order of the Court, could be selected to serve for a longer period. The term Special Grand Jury means a grand jury selected for a specific area of inquiry. Special grand juries may be selected for terms of as long as 18 months.

All grand juries selected after the effective date of this Plan, shall be composed of jurors who were selected from the qualified jury wheels for the divisions in which they sit. The Jury Plan Judges for each division shall determine how many regular and special grand juries are required for each division. The Jury Plan Judges of each division shall determine the areas of inquiry assigned to each grand jury when there is more than one grand jury serving in that division. The Jury Plan Judges shall also determine the length of service of each special grand jury, except that such length shall not exceed the 18 month period established as a maximum by the provisions of Rule 6(g) of the Federal Rules of Criminal Procedure unless the grand jury is organized pursuant to 18 U.S.C. § 3331.

XIV. DRAWING OF JURORS FOR SERVICE

The Clerk, at the direction of the Jury Plan Judges of each division, shall, after giving public notice, make the random drawing of such numbers of names of persons as may be required for assignment to grand or petit jury panels within that division from the Qualified Jury Wheel. The Clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel. These names may be disclosed by the Clerk to parties and the public after said list is prepared and the jurors have been summoned; provided, however, the Court may at any time or from time to time order generally, that these names shall be kept confidential in any case where the interest of justice so requires. 28 U.S.C. § 1863(b)(5)(B)(7)-(8).

The procedures to be followed by the Clerk are as follows:

1. Seventy-five names, or such other number set by the Court, from time to time in accordance with need as the same arises, shall be drawn from the Qualified Jury Wheel of each division for each divisional grand jury whose service is required.
2. The names of such number of persons as may be required for assignment to the grand jury panels shall be drawn from the Qualified Jury Wheel of each division.
3. If one or more special grand juries are required in a division, their members will be selected after the regular grand jurors and before the petit jurors are selected.

4. If more than one divisional regular grand jury is drawn at any time, they shall be given consecutive numbers beginning with number one. If more than one divisional special grand jury is drawn at any time, each such special grand jury shall be given consecutive numbers beginning with number one. As to each of the aforementioned instances, the number given to the divisional grand jury shall be preceded by the prefix "R" or "S" (Regular or Special).
5. The names to be drawn from the Qualified Jury Wheel of each division, shall be drawn for each divisional regular grand jury, in the order of their respective numbers, and then for each divisional special grand jury, in the order of their respective numbers, and placed on separate grand juror lists. Each such person's name shall be numbered in the order his/her name is placed on such list. The first 23 persons on each such grand juror list who are not deemed unqualified or exempt or who are not excused under the provisions of this Plan shall act as members of the grand jury for which they were chosen.
6. Names shall next be drawn from the Qualified Jury wheel of each division, for petit jury service within each of said divisions, and shall be placed in the order so drawn on the petit juror list of the division. Each such person's name is placed on such list.
7. From time to time the Clerk shall select, in the order the names appear on the petit juror list, the names of that number of persons which the Clerk shall determine are required for petit jury service on one or more panels of jury veniremen in each division of this Court on any given day. There shall not be included on a prospective jury panel any person who has, while on the list, served a total of 30 days in a trial or in the jury selection process.
8. If, because of absenteeism, excuses, exemptions or disqualifications, it is not possible to organize any divisional grand jury from the list of names drawn for such grand jury in a division, then the following procedure will be followed:
 - (a) If it is a regular divisional grand jury which cannot be organized as noted above, then those persons whose names appear on any other regular or special grand jury list for that division, who are not chosen for service on such grand jury, shall be selected, utilizing in order the lowest numbered jurors in accordance with the numbers assigned to them when their names have been drawn from the divisional Qualified Jury Wheel for service on that regular grand jury which it has not been possible to organize from the list of persons chosen for such regular grand jury.
 - (b) If it is a divisional special grand jury which cannot be organized, then those persons whose names appear on any other special grand jury list for that division, who are not chosen for service on such special grand jury, shall be selected, utilizing in order the lowest numbered jurors in accordance with the numbers assigned to them when their names have been drawn from the Qualified Jury Wheel of the division for service on that special grand jury which it has not been possible to organize from the list of persons chosen for such special grand jury. If it is still not possible to organize the aforesaid divisional special grand jury, then

those persons whose names appear on any other regular grand jury list within that division, who are not chosen for service on such regular grand jury, shall be selected, utilizing in order the lower numbered jurors in accordance with the numbers assigned to them when their names have been drawn from the Qualified Jury Wheel of the division for service on that special grand jury which it has not been possible to organize from the list of persons chosen for such special grand jury. The aforesaid procedures are also applicable when any grand juror has been permanently excused by the Court and the Court has directed that an alternate or another person be empaneled in place of the juror excused.

9. All persons whose names appear on any grand jury list and who are not selected for service on a grand jury shall be called for grand jury service at the next grand jury organization or as needed in the event a replacement grand juror is required to be empaneled pursuant to the last sentence of Rule 6(g) of the Federal Rules of Criminal Procedure, in the order in which their names were drawn from the Qualified Jury Wheel of the division unless any such person has been classified as excused, exempt or disqualified, or unless any such person has been granted a temporary excuse pursuant to which he/she is to be called for service after his/her temporary excuse expires.
10. The Jury Plan Judges may summon a special grand jury within their respective divisions at such time as the public interest requires.
11. To summon a divisional grand jury, in addition to those divisional grand juries that have been specifically authorized, the Jury Plan Judge for said division may direct the Clerk to draw the names of jurors for such an additional divisional grand jury at the same time as it directs the Clerk to draw names for the grand and petit juries. Summons for members of the additional divisional grand jury shall issue only when, as and if the Court shall determine that there is a need for the additional grand jury and shall authorize organization of that additional grand jury. In the event the additional grand jury is not required within said division, the names of those grand jurors drawn for that purpose shall be used for grand jury service at a later organization within said division in the order in which they were originally drawn and before the names of any jurors drawn for said organization.
12. Where the Court finds that grand jury service, because of the length of time involved, particularly with respect to special grand juries, will constitute undue hardship or extreme inconvenience, a prospective juror may be designated for petit jury service pursuant to 28 U.S.C. § 1866(c)(1) within the appropriate division.

XV. SERVICE OF SUMMONS

The Clerk shall issue summons for each person whose name appears on the grand juror list or the petit juror list. Each such person drawn for jury service may be served personally, or

by registered, certified, or first-class mail addressed to such person, at his/her usual residence or business address.

XVI. TEMPORARY EXCUSES

Notwithstanding any of the other provisions of this Plan, the Clerk may, in his/her discretion, temporarily excuse a summoned juror, upon a showing of undue hardship or extreme inconvenience.

XVII. MAXIMUM REQUIREMENT OF SERVICE

Once a juror has completed petit or grand jury service, which included more than five days of active service in this Court, he/she will not be required to serve as a petit or grand juror for a period of two years. A juror will not be required to serve as a petit juror for more than 30 days, except when necessary to complete service in a particular case. A juror will not be required to serve on more than one grand jury. A grand juror will not be required to serve beyond the established term of a regular or special grand jury except when the term of that grand jury is extended, by order of court, for a limited, specified period that will enable the grand jury to complete its consideration of matters that the grand jury has already begun to consider. A juror will not be selected to serve as both a grand and as a petit juror at the same time.

XVIII. CONFIDENTIALITY

Identifying information, including but not limited to, names, addresses, and employment of prospective and sitting petit and grand jurors shall be maintained as confidential and shall be disclosed only to the extent permitted by Order of the Court. Any request for access to the said information shall be made to the Chief Judge who shall refer the request to the judge presiding over the pertinent proceeding or, if necessary, to another judge of the Court.

The Chief Judge may, upon being advised that any potential juror identified him/herself, or has been determined to be, a non-citizen of the United States, notify appropriate state election officials.